

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 11-mj-30363

v.

Magistrate Judge R. Steven Whalen

ERIC EVAN MILLER,

Defendant.

ORDER

Defendant Eric Miller is charged with possession of a dangerous weapon in a federal court facility, 18 U.S.C. § 930(e)(1). At his initial appearance, the government requested, and the Court ordered a competency evaluation pursuant to 18 U.S.C. §§ 4241-4247. Mr. Miller was designated to the Metropolitan Correctional Center in Chicago, IL, where he was evaluated by Dr. David Szyhowski, Psy.D, a forensic psychologist. Dr. Szhowski filed a written report opining that Mr. Miller was not legally competent to proceed. The Court held a competency hearing pursuant to 18 U.S.C. §§ 4241(c) and 4247(d), and found that Mr. Miller was presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense [Doc. #23]. The Court ordered, pursuant to 18 U.S.C. § 4241(d), that Mr. Miller be committed to the custody of the Attorney General, to be hospitalized for treatment in a suitable facility to determine whether there was a substantial probability that in the foreseeable future Mr. Miller would be restored to competency. *Id.*

A hearing was subsequently held pursuant to *Sell v. United States*, 539 U.S. 166

(2003), to determine if Mr. Miller should be involuntarily medicated, and following testimony of the psychologist and psychiatrist at the Bureau of Prisons Springfield, Missouri facility, the Court ordered involuntary medication.

On November 25, 2013, the Court received the report of Dr. Christina A. Pietz, to the effect that Mr. Miller had, with medication, been restored to competency. The report was accompanied by a Certificate of Competency executed by Linda Sanders, Warden of the United States medical Center for Federal Prisoners in Springfield, Missouri, pursuant to 18 U.S.C. § 4241(d).

On December 17, 2013, the Court held a competency hearing pursuant to 18 U.S.C. §§ 4241 and 4247. Dr. Pietz's report was entered into evidence.

For the reasons stated on the record on December 17, 2013, the Court finds that although the Defendant continues to suffer from a mental disorder, that disorder is currently controlled by medication to the extent that he understands the nature and consequences of the proceedings against him and can assist his counsel in his defense. Thus, the Court finds that the Defendant is now competent to stand trial.

Bond was ordered on December 18, 2013, and the Court will set a date for a pretrial conference by separate order.

IT IS SO ORDERED.

Dated: December 18, 2013

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on December 19, 2013, electronically and/or by U.S. mail.

s/Michael Williams
Case Manager for the
Honorable R. Steven Whalen